

TRINIDAD AND TOBAGO

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: MARCH 14, 1967

RATIFIED AMERICAN CONVENTION: APRIL 3, 1991

Reservations made at the time of adhesion and recognition of competence (from http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm)

Reservations made at the time of adhesion

1. As regards Article 4(5) of the Convention the Government of the Republic of Trinidad and Tobago makes a reservation in that under the laws of Trinidad and Tobago there is no prohibition against carrying out a sentence of death on a person over seventy (70) years of age.

Recognition of Competence

2. As regards Article 62 of the Convention, the Government of the Republic of Trinidad and Tobago recognizes the compulsory jurisdiction of the Inter-American Court of Human Rights as stated in said article only to such extent that recognition is consistent with the relevant sections of the Constitution of the Republic of Trinidad and Tobago; and provided that any judgment of the court does not infringe, create or abolish any existing rights or duties of any private citizen.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): MARCH 28, 1991

ACCEPTED JURISDICTION OF IACHR (ART. 62): MARCH 28, 1991

DENOUNCED AMERICAN CONVENTION ON HUMAN RIGHTS (ART. 78): MAY 26, 1998, IN EFFECT MAY 26, 1999

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) **Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago**

This case concerns six issues consisting of the mandatory nature of the death penalty, the process for granting amnesty, pardon, or commutation of sentence, delays in criminal proceedings, deficiencies in treatment and condition of detentions, due process violations, and denial of access to legal aid, all in connection with the criminal proceedings resulting from the alleged victims' murder convictions in Trinidad and Tobago. Due to the similarities in the cases, the Inter-American Court ordered the joinder of the Hilaire, Constantine et al. and Benjamin et al. cases, therefore, this case involves thirty-one separate petitioners. This case is of particular interest because Trinidad and Tobago did not appear before or responded to the Court after it was notified of the Court's decision. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Death Penalty; Access to Legal Procedures; Amnesty, Pardon, and Commutation of Sentence (Right to Seek); Due Process Rights; Criminal Justice; Life (Right to) Physical, Mental, and Moral Integrity (Right to); Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of June 21, 2002. Series C No. 94

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 27, 2003
- 2) Order of the Inter-American Court of Human Rights of November 20, 2015

II) Case of Caesar v. Trinidad and Tobago

This case highlights Trinidad and Tobago's imposition of corporal punishment where, under the Corporal Punishment Act of 1953, a court may order any male offender above the age of sixteen years to be struck or flogged with an object called a "cat-o-nine tails," when convicted of certain crimes. The victim in this case, Mr. Winston Caesar, was convicted before the High Court of Trinidad and Tobago of attempted rape and as part of his sentence, Mr. Caesar was whipped fifteen times with a "cat-o-nine tails." As a result, the Court found that the State violated the American Convention on Human Rights. This case is unique because the State denounced the American Convention while Mr. Caesar was in custody and did not participate in the process before the Inter-American Commission or Court.

Key Words: *Death Penalty; Prison and Detention Conditions; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Judicial Protection (Right to)*

Merits, Reparations and Costs

Judgment of March 11, 2005. Series C No. 123

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 21, 2007

B) Provisional Measures (Art 63.2)

- 1) Matter of James et al. regarding Trinidad and Tobago [May 27, 1998]
- 2) Matter of James et al. regarding Trinidad and Tobago [June 14, 1998]
- 3) Matter of James et al. regarding Trinidad and Tobago [June 29, 1998]
- 4) Matter of James et al. regarding Trinidad and Tobago [July 13, 1998]
- 5) Matter of James et al. regarding Trinidad and Tobago [July 22, 1998]
- 6) Matter of James et al. regarding Trinidad and Tobago [August 29, 1998]
- 7) Matter of James et al. regarding Trinidad and Tobago [May 25, 1999]
- 8) Matter of James et al. regarding Trinidad and Tobago [May 27, 1999]
- 9) Matter of James et al. regarding Trinidad and Tobago [June 19, 1999]
- 10) Matter of James et al. regarding Trinidad and Tobago [September 25, 1999]
- 11) Matter of James et al. regarding Trinidad and Tobago [August 16, 2000]
- 12) Matter of James et al. regarding Trinidad and Tobago [November 24, 2000]

- 13) Matter of James et al. regarding Trinidad and Tobago [November 26, 2001]
- 14) Matter of James et al. regarding Trinidad and Tobago [September 3, 2002]
- 15) Matter of James et al. regarding Trinidad and Tobago [December 2, 2003]
- 16) Matter of James et al. regarding Trinidad and Tobago [February 28, 2005]
- 17) Matter of James et al. regarding Trinidad and Tobago [April 3, 2009]
- 18) Matter of Dottin et al. regarding Trinidad and Tobago [May 14, 2013]